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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.           | CONFIRMATION NO.  |
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| 09/683,354  | 12/18/2001  | Joseph Neyman        | neyman                        | 3946              |
| 26496   | 7590        | 10/31/2003           |                               |                   |
| GREENBERG & LIEBERMAN<br>314 PHILADELPHIA AVE.<br>TAKOMA PARK, MD 20912 |             |                      |                               |                   |
|   |             |                      | EXAMINER<br>SMITH, KIMBERLY S |                   |
|   |             |                      | ART UNIT<br>3644              | PAPER NUMBER<br>9 |
| DATE MAILED: 10/31/2003   |             |                      |                               |                   |

Please find below and/or attached an Office communication concerning this application or proceeding.



Paper No.

### Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 9-23-03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☐ 4. Amendments to the claims:
  - ☒ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Remarks should be on a separate page

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is **not extendable**.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Ms. Coper  
Legal Instruments Examiner (LIE)

703-305-0246  
Telephone No.

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

Claims 1-5 (canceled)

Claim 6 (previously presented): A bucket with a handle.

Claim 7 (withdrawn): A handle comprising an elongated wire.

Claim 8 (withdrawn): The handle of claim 7 further comprising a plastic grip.

Claim 9 (currently amended): A bucket with a ~~green~~ blue handle.

Claim 10 (original): The bucket of claim 9 wherein the handle is made of wood.

Claim 11 (canceled)

Claim 12 (not entered)

Claim 13 (new): A bucket with plastic sides and bottom.

## EXAMPLE 7

### REMARKS

Claims 1, 2, 4, and 5 are pending in the application. Claim 3 was cancelled in the previous amendment. Claim 4 has been withdrawn from consideration by the examiner.

Reconsideration of the examiner's rejection of claims 1, 2, and 5 under 35 U.S.C. 103 based on Wertz in view of Jones is respectfully requested. The combination of Wertz in view of Jones fails to disclose a utensil which consists of the elements recited in claim 1. The prior art of record also lacks a pair of knurled set screws for fastening the disposable food utensil to the handle. The knurled set screws facilitate removal of the handle from the disposable utensil.

Accordingly, applicant submits that claims 1, 2, 4, and 5 are allowable over the prior art of record and a notice of allowance is respectfully requested.

Respectfully submitted,

SMITH, JONES & BROWN

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